

2. "Fleck also discloses wherein certain road conditions (e.g. traffic or accidents) are stored in a dynamic database (col. 5, lines 40-43)"; and
3. "Wherein this information is transmitted back to mobile units in the vicinity of the road conditions (col. 5, lines 40-65)".

Claim 15, for example, calls for a server that receives audio messages from vehicles and transmits those messages to other vehicles. A storage medium is adapted to store the messages for access based on the position of the vehicle that transmitted the message.

Fleck does not teach a server which serves messages out to vehicles when they come to a position. In contrast, Fleck teaches a real time system. When an event occurs it is "immediately" sent to all of the vehicles in the same or neighboring cells. The event information is not stored and then served out to vehicles over time whenever they come to that location.

Thus the rejection of claim 15 cannot stand. Fleck does not teach a storage medium adapted to store messages "for access based on the position of the vehicle that transmitted the message". Hyziak does not teach anything relevant to such a server.

Item number 2 above in the Examiner's analysis is being read for more than it really should be. In particular, the

cited material in Fleck does not in any way suggest that the road condition itself is stored in some type of database for subsequent transmission. To the contrary, it is very clear that the database simply stores whether or not a particular vehicle detours as suggested because of a road condition.

Fleck states that a control center 20 can disseminate to all vehicles the information about the event 14 (congestion). See Fleck column 5, lines 32-35. A potential detour is suggested and if the detour is taken a return signal is sent to the control center 20. See Fleck Column 5, lines 35-38. From the return signal from the vehicles, the control signal can determine whether the recommended detour has been taken. See Fleck column 5, lines 38-40. At column 5, lines 40-43 (relied upon by the Examiner), Fleck says "the information received is processed by the application function in the control center 20". Clearly, the information that is received is not information about the congestion but whether or not the vehicles have taken the recommended detour. Further, it is stated that "the roadway information is assigned to a digital road map in a dynamic database 7". Clearly, the roadway information is the new route being taken by the detoured vehicle.

Further, Fleck states explicitly that in accident or congestion situations "it is important to send a traffic warning immediately to all traffic participants" see column 5 lines 60

and 61. This demonstrates that Fleck is not interested in storing data, received from vehicles, associated with location information and then serving that information out to those vehicles when those vehicles are proximate to that location. In contrast, Fleck is interested in a real time system where, when an event occurs, it is immediately sent to all of the vehicles in a particular location.

The difference is that Fleck does not store the information and then serve it out to vehicles over time when they come to that location. This point is also made in column 6 at lines 4-10 of Fleck. There it is explained that the network analyzes the message and "immediately" causes a signal to be sent to other mobile subscribers of the origin and neighboring cells. Again, it is clear that what happened is, when the signal is received, a warning is immediately transmitted. There is absolutely no suggestion that the condition is stored and then every time vehicles, proximate to that condition, report they are in position, they are again warned of the situation.

Referring again to claim 15, the claim calls for a storage medium adapted to store messages for access based on the position of the vehicle that transmitted the message. There is simply no access mechanism that allows access to the database in Fleck based on the position of the vehicles. Instead, in real time, when an event occurs Fleck immediately transmits the

message to the cell of the vehicle that reported the condition and to neighboring cells. There is no accessing of the database in the server and there is no accessing "based on the position of the vehicle that transmitted the message".

The effort to combine Hyziak with Fleck fails for two reasons. No rationale in the prior art for combining the references is provided and neither reference or their combination teaches storing messages for access based on the position of the vehicle.

Similarly with respect to claim 22, there is no "processor" that "sorts received information based on appended position information" and "identifies that information when the vehicle is proximate to a location associated with the information". Again, the system shown in Fleck does not sort through information and then effectively serve it out when the vehicle comes to that location. Instead, it does something much simpler and less effective. Fleck just immediately recognizes the cell that transmitted the information and then immediately returns the information to all vehicles in that and neighboring cells.

Again, the difference is a system which sorts through the information it has and then serves it out based on the location of the vehicle. Thus, in the claimed system, the information may be served out over time every time a vehicle approaches a given location. In contrast, there is absolutely no teaching in

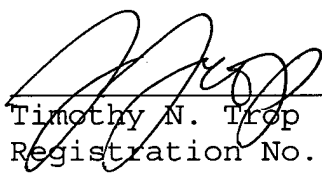
Fleck that after the initial real time immediate notification, that any notification is thereafter given unless another event is reported.

Thus, reconsideration of the section 102 rejection of claim 22 is respectfully requested.

In view of these remarks reconsideration of the rejection is respectfully requested.

Respectfully submitted,

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